

Thomas-Jensen Affirmation

Exhibit # 46

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, *et al.*,

Defendants.

No. 1:25-cv-00039-JJM-PAS

DECLARATION OF MILA KOFMAN

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge and the records of the DC Health Benefit Exchange Authority.

2. I am the Executive Director of the DC Health Benefit Exchange Authority (DCHBX), a private-public partnership responsible for the District of Columbia's Affordable Care Act on-line health insurance marketplace, DC Health Link. I have held this position since December 2012.

3. In this capacity, I am responsible for managing the operations of the entire organization, including funding and implementing the on-line Affordable Care Act health insurance marketplace in the District of Columbia. DCHBX now has more than 120 employees and an annual budget of more than \$41 million. DCHBX is responsible for more than \$670 million in annual premiums and covers approximately 100,000 people including more than 5300 employers.

4. DCHBX is responsible for administering the federal health insurance tax credit also called advanced premium tax credit (APTC). DCHBX determines eligibility for APTC and the eligibility amount. DCHBX provides APTC information to the Internal Revenue Service (IRS-U.S. Dep't of Treasury) and to Centers for Medicare and Medicaid Services (CMS-HHS).

5. I am aware of the January 27, 2025, memorandum from Office of Management and Budget Acting Director Matthew J. Vaeth regarding a "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs" (OMB Memo). This memorandum directs all federal agencies to, among other things, "temporarily pause all activities related to obligation or disbursement of all Federal financial assistance" for an undisclosed amount of time. If such a pause went into effect, it would have a devastating effect on District of Columbia residents qualifying for APTC. Moreover, even the uncertainty and confusion caused by the OMB memo is beginning to have an immediate detrimental effect on DCHBX's ability to provide services to District residents.

6. A significant delay in federal funding will dramatically impact the health, welfare, and economic conditions of the District residents qualifying for APTC. As I understand the OMB Memo, payment of APTC will be paused.

7. APTC is a tax credit used to lower monthly health insurance premiums for residents enrolled in individual and family health insurance through DC Health Link.

8. Based on Internal Revenue Service (IRS) data, District of Columbia residents received approximately \$12.4 million in APTC in 2022. That amount is much higher now, but more recent specific IRS tax data is not yet available.

9. DCHBX's own internal data shows that residents received approximately \$16.8 million in APTC in 2024.

10. With APTC, residents pay lower premiums monthly to health plans. Centers for Medicare & Medicaid Services, within the federal Department of Health and Human Services, pays the remainder of the premium directly to the health plans.

11. The lower monthly premium is what makes health insurance affordable. Without it, DCHBX projects that more than 3,800 District residents will lose their health insurance and thereby, access to affordable health care.

12. In the District's individual marketplace, DC Health Link, approximately 25% of enrollees get lower monthly premiums as a result of APTC.

13. Suspending APTC under the Affordable Care Act, even temporarily, would harm District of Columbia residents.

14. Nearly 70% of District residents who receive lower monthly premiums are self-employed or small business owners who buy coverage on their own. I understand that many self-employed people and small business owners will have to close their business if they can no longer afford health insurance.

15. The resulting loss of health coverage will harm the entire risk pool, causing the health insurance carrier claims experience to degrade and premiums to increase for those individuals who remain. Fatal or irreversible permanent health conditions are currently being prevented and treated because people have health insurance. The damage to District residents would be irreparable, as the lack of health insurance coverage would lead to a lack of care for these health conditions.

16. According to IRS data, the total value of APTC nationwide for tax year 2022 is \$54 billion.

17. Under a Memorandum of Understanding with the D.C. Department of Insurance, Securities and Banking, DCHBX has \$689,102 in available federal grant funding, which supports market stabilization and women's health outreach initiatives.

18. The District's health insurance marketplace is sensitive to disruptions in funding, and the harm caused to District residents and the District's health insurance marketplace cannot be undone retroactively, making the harm irreparable.

19. I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 29 day of January, 2025 in the District of Columbia.



Mila Kofman